

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

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7590

12/23/2004

NEEDLE & ROSENBERG, P.C.
 999 Peachtree Street Suite 1000
 Atlanta, GA 30309-4424

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Robert A. Hodges, Reg. No. 41,074 (Depositor's name)
 (Signature)
 January 5, 2005 (Date)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/037,469 | 11/09/2001 | David C. Ward | 13172.0014U2 | 5187 |

TITLE OF INVENTION: NUCLEIC ACID DETECTION USING STRUCTURED PROBES

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | YES | \$350 | \$0 | \$350 | 03/23/2005 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|-------------------------|----------|----------------|
| FREDMAN, JEFFREY NORMAN | 1637 | 435-006000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☒ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Needle & Rosenberg, P.C.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Yale University

New Haven, CT

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee N/A
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

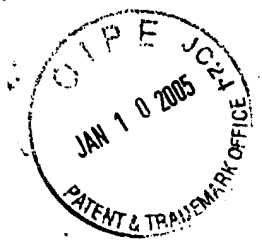
The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date January 5, 2005Typed or printed name Robert A. HodgesRegistration No. 41,074

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------------|---|-------------------------------|
| In re Application of |) | |
| |) | |
| WARD et al. |) | Art Unit: 1637 |
| |) | |
| Application No. 10/037,469 |) | Examiner: Fredman, Jeffrey N. |
| |) | |
| Filing Date: November 9, 2001 |) | Confirmation No. 5187 |
| |) | |
| For: NUCLEIC ACID DETECTION USING |) | |
| STRUCTURED PROBES |) | |

REMARKS ON CORRECTED NOTICE OF ALLOWANCE

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

Dear Sir:

In response to the Corrected Notice of Allowance and Fee(s) Due mailed on December 23, 2004, Applicants submit herewith Part B – Fee(s) Transmittal that was included with the Corrected Notice of Allowance. No fee is included with this submission because no fee is believed to be due. Applicants note that the issue fee in this application was properly paid on August 3, 2004 in response to the Notice of Allowance and Fee(s) Due mailed on May 3, 2004. As such, Applicants submit that no fee is due and therefore no fee is included with the attached Part B – Fee(s) Transmittal. Applicants also note that a Supplemental Notice of Allowability was all that is required to correct the claims which were allowed and a Corrected Notice of Allowance was not required. Thus, Applicants submit that the Corrected Notice of Allowance was sent in error. For this



ATTORNEY DOCKET NO. 13172.0014U2

Application No. 10/037,469

additional reason Applicants submit that no fees are due. However, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

Robert A. Hodges
Registration No. 41,074

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence and any items indicated as attached or included are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Robert A. Hodges

Date

1/5/2005